

CGB - CC - 1153

BEFORE THE  
FEDERAL COMMUNICATION COMMISSION  
WASHINGTON, DC 20554

In the matter of:

Murray State University/Roundabout U

**Received & Inspected**

**OCT 28 2011**

**FCC Mail Room**

To: Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
Attention: CGB Room 3-B431  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

**PETITION FOR EXEMPTION FROM CLOSED  
CAPTIONING REQUIREMENTS**

Pursuant to 47 CFR 79.1(f), Murray State University ("MSU") respectfully requests an exemption as described below from the closed captioning requirements of the Commission's Rules and Regulations with respect to the airing of its program "Roundabout U" on WSIL-TV/ABC-3 in Harrisburg, Illinois. The exemption is requested because the closed captioning requirements present an undue burden. "Undue burden" means "significant difficulty or expense." An affidavit in support is attached.

*A. The type of operation of MSU.*

MSU is a public institution of higher education located in western Kentucky. It prepares, through in-house facilities, a weekly thirty minute informational program entitled Roundabout U ("the program"). The program includes segments about Kentucky, Illinois, Tennessee, and the MSU campus. MSU is a non-profit entity and receives no payment from any airing of the program.

*B. The nature and cost of the closed captions for the programming.*

WSIL-TV/ABC-3 in Harrisburg, Illinois is a station which broadcasts the program. It has indicated the program must be closed captioned.

MSU pays the station approximately \$250 per episode to air the program once per week on Sunday morning. Most of the program is shot on a Monday and post-produced on Tuesday and Wednesday. The program airs on the following Sunday and MSU has been advised by WSIL that the program must arrive in its studios no later than the Thursday preceding the Sunday on which the program is aired.

MSU does not have closed captioning capabilities within its limited facilities. It has received the following telephone quotes from providers of closed captioning services:

1. CaptionLink in Nashville, Tennessee [www.captionlink.com](http://www.captionlink.com)

\$155 / NLE file.

(MSU comment - this means we send them a low-res proxy file of the finished show and they send us back a cc file that inserts into Final Cut Pro. We do the insertion into the timeline and finish the show. MSU has not had much success in inserting cc files into timelines and exporting finished quicktime .mov files so it is not believed this would be a viable option at this time.)

\$195 / finished product

(MSU comment - that includes transcribing. Predicted 1-2 day turnaround. Digital file delivery to us.)

2. AdTech in Louisville, Kentucky <http://www.adtechproductions.com/>

\$300 / finished product

Add \$90 for transcription service.

(MSU comment - expected turnaround is about a week if transcript is not provided, 1-2 days if

we provide transcript.)

3. Aberdeen Captioning in Rancho Santo Margarita, California <http://abercap.com/>

\$150 / episode

(MSU comment - This is for the basic captioning service. In addition, there must be added the following.)

\$80 / file delivery directly to WSIL.

(MSU comment – return to MSU is free. SCC file delivered back to us for insertion into FCP timeline and exporting ourselves.)

Further, in-house captioning would necessitate the hiring of another employee to do transcribing and embedding the transcription within the program. In addition to the preceding, a search has been unsuccessful in locating necessary captioning software compatible with editing software used with the program.

*C. The impact on the operation of MSU.*

The program is locally produced by MSU and WSIL does not pay MSU anything for airing the program. To the contrary, MSU must pay to have the program aired.

The above demonstrates that the added cost of closed captioning would be no less than \$150 per week and could be as high as \$390 if an outside service provided captioning. In house captioning would necessitate hiring another employee.

MSU is paid nothing for any airing of the program and, thus, no added expense can be charged against any such program income. No funds are budgeted for any such-increased costs. Captioning requirements add a “significant expense” to the cost of the program.

In addition to the increases in cost, the increases in time required would prohibit meeting the deadlines established by WSIL. As indicated above, MSU is to provide the program to

WSIL by Thursday for airing on Sunday. The data above indicate an additional 1-2 days, and up to an additional week, will be required in the production of the program if closed captioning is mandated and an outside service is used. Some segments on the program are time sensitive and delay would make them irrelevant. Captioning requirements impose a "significant difficulty" on the ability to meet the established deadline to air the show on WSIL on the allotted day.

*D. The financial resources of the provider or program owner.*

MSU is a non-profit entity. MSU receives no revenue for airing the program, and must pay WSIL to carry the program. No funds are budgeted for the show which will cover the cost of another employee or the cost increase if closed captioning is required.

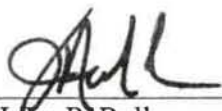
CONCLUSION

Closed captioning will add costs to the program in terms of money and time. As demonstrated, these costs will add "significant difficulty and expense" to the program produced locally by a non-profit entity which already pays to have the program broadcast over WSIL.

Accordingly, MSU requests that it be granted an exemption from any requirements for closed captioning the program when aired on WSIL.

This the 21 day of October, 2011.

Respectfully submitted,



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John P. Rall  
General Counsel  
Murray State University  
100 Pogue Library  
Murray, KY 42071

STATE OF KENTUCKY     )  
                                      ) SS  
COUNTY OF CALLOWAY)

**AFFIDAVIT**

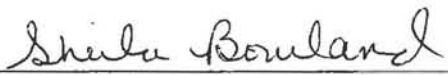
Before me, the undersigned authority, personally appeared Joseph Brian Haynes, who being by me duly sworn states as follows:

1. My name is Joseph Brian Haynes. I am of sound mind, capable of making this Affidavit, and am personally acquainted of the facts stated herein.
2. I am the Interim Manager for Digital Media Services at Murray State University.
3. I have read the foregoing Petition for Exemption submitted on behalf of Murray State University which seeks an exemption from FCC Rules that generally require the closed captioning of certain programs broadcast on television stations in the United States.
4. I hereby verify that all of the factual statements contained in the Petition are correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
JOSEPH BRIAN HAYNES

Subscribed and sworn to before me this 20<sup>th</sup> day of October, 2011.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 2-15-2015